

PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GROSS, Richard A., et al.

Application No.: 10/804,778

Filing Date: 03/19/2004

Title: SPERMICIDAL AND VIRUCIDAL
PROPERTIES OF VARIOUS FORMS
SOPHOROLIPIDS

Art Unit: 1623

Examiner: Issac, R.P.

Confirmation No.: 7749

Customer No.: 25461

Docket No.: 048467.01101

PRELIMINARY AMENDMENT

25 August 2008

Commissioner of Patents
PO Box 1450
Alexandria VA 22313-1450

Sir:

Prior to examining the above captioned patent application based on the concurrently filed Request for Continued Examination, please amend it as follows.

Status begins on page 2.

Summary of Fees Due begins on page 3.

Claims Amendments begin on page 4.

Remarks begin on page 10.

STATUS

Claims 1-3, 5-8, 12-30, and 33-57 are pending and are subject to a Final Rejection mailed on 27 February 2008.

A Request for Continued Examination (RCE) is being filed concurrently with this Preliminary Amendment.

Claims 13-27 and 32-50 have been withdrawn from consideration.

Claims 1-12 and 28-31 have been rejected under 35 USC 112.

Claims 56 and 57 have been rejected under 35 USC 112 on the allegation that they include new matter.

Claims 1, 3, 5-8, and 55-57 have been rejected under 35 USC 102(b) as being anticipated by an article by Bisht et al. J. Org. Chem. 64, 780-789 (1999) (the Bisht reference)

Claims 1-3, 5-8, 12, 28-30, and 55-57 have been rejected under 35 USC 103(a) as being obvious over the Bisht reference in view of US Patent No. 5,545,401 to Shanbrom (Shanbrom '401).

Claims 1-3, 5-8, 12, 28-30, and 55-57 have been provisionally rejected on the grounds of non-statutory double patenting over Claims 1-9 of copending US Patent Application No. 11/020,683 and over Claims 4-7, 10-14, and 16-21 of copending US Patent Application No. 10/807,961.

The following amendment takes into consideration the Office Action dated 27 February 2008 from Examiner Roy P. Issac of Art Unit 1623.

SUMMARY OF FEES DUE

1. Extension of Time or Fee.

This Preliminary Amendment and the RCE are being filed with a petition for a three (3) month extension of time up to and including 27 August 2008 along with the appropriate extension of time fee for a small entity.

2. RCE Fee.

The RCE fee for a small entity is being submitted along with the RCE.

3. No Excess Claims Fee is necessary.

The fee for fifty-four (54) total claims and ten (10) independent claims already has been filed. This Response results in no more than fifty-four (54) total claims and ten (10) independent claims, and no excess claims fee is due.